

PATENT

Atty. Dkt. No. 2001-0453

**REMARKS**

In view of the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated or indefinite under the provisions of 35 U.S.C. § 102 and 35 U.S.C. § 112. Thus, the Applicants believe that all of these claims are now in allowable form.

**I. REJECTION OF CLAIMS 7-11 UNDER 35 U.S.C. § 112**

The Examiner rejected claims 7-11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleged that the term "receiving a data request from a client with a network address" is unclear.

Responsive to the Examiner, Applicants assert that the network address is in fact the network address of the client and that the claim language is clear and definite. Nevertheless, Applicants have amended claim 7 to now recite the term "receiving a data request from a client with a network address of said client". This clarification is made to address the Examiner's concern. However, this amendment was not made in view of the cited prior art. It is respectfully submitted that claims 7-11 satisfy the requirement of 35 U.S.C. § 112, second paragraph and are in allowable form.

**II. REJECTION OF CLAIMS 1-15 UNDER 35 U.S.C. § 102**

The Examiner has rejected claims 1-15 in the Office Action under 35 U.S.C. § 102 as being anticipated by Leighton et al. (US Patent 6,108,703, issued August 22, 2000, herein referred to as Leighton). Applicants respectfully traverse the rejection.

Leighton discloses a global hosting system. Specifically, Leighton discloses a system where a base document is serviced by a Content Provider site, whereas embedded objects within the base document is serviced by other "ghost servers" that are preferably closer to the client machine. (See, Leighton, Abstract, Column 5, lines 33-41)

In contrast, the Examiner's attention is directed to the fact that Leighton fails to disclose the novel concept of associating clients with domain name system by using a

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calibrating domain name and/or a calibrating network address as positively claimed by the Applicants. Specifically, Applicants' independent claims positively recite:

1. A method of associating clients with domain name system servers comprising the steps of:  
receiving a domain name system query from a domain name system server requesting resolution of a calibrating domain name;  
identifying a client based on the calibrating domain name;  
associating the client with the domain name system server. (Emphasis added.)

7. A method of associating clients with domain name system servers comprising the steps of:  
receiving a data request from a client with a network address of said client;  
encoding the client's network address in a calibrating domain name;  
redirecting the client to the calibrating domain name, whereby the calibrating domain name can be utilized to associate the client with a domain name system server when a domain name system query is issued by the client. (Emphasis added.)

12. A method of associating clients with domain name system servers comprising the steps of:  
receiving a data request from a client directed to a calibrating network address;  
identifying a domain name system server by the calibrating network address, wherein the calibrating network address was provided to the domain name system server in response to a domain name system query issued by the domain name system server;  
associating the client with identified domain name system server. (Emphasis added.)

Applicants' invention addresses the criticality of associating clients with domain name servers. Proper association of clients to domain name servers addresses the problem of "originator problem" (difficulty with assessing the real location of the client) and the problem of "hidden load problem" (difficulty with assessing the true load from a single DNS query). To address this criticality, Applicants' invention provides the novel concept of a "calibrating address" and a "calibrating domain name".

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In one embodiment, the calibrating address is a dedicated IP address designated as a calibrating IP address for the purpose of associating clients with their respective DNS servers. Occasionally, where it is desired to find out which clients are using a given DNS server, the DNS server 140 can resolve a DNS query from the client DNS server 120 to the calibrating address. This domain name system response is referred to as the calibrating response. This calibration response is returned to the client. Upon receiving the data request issued from the client address to the calibrating address, the system can then confidently associate the client that sends the data request with the DNS server to which the preceding calibrating response was sent. (See Applicants' specification, Paragraphs 0018-0020)

This dedicated use of the calibrating address is simply missing the Leighton. In other words, Leighton is completely devoid of any teaching where a calibrating address is dedicated for the purpose associating the client that sends the data request with the client's DNS server.

In alternate embodiments, Applicants teach the concept of "calibrating domain name". In one embodiment, a "dummy" embedded object whose URL is referred to as a special "calibrating domain name" can be inserted into contained pages. When the client attempts to resolve the calibrating name via the DNS server 140, the DNS server 140 can now process the calibrating URL and associate the client's address with the client DNS server address. (See Applicants' Specification Paragraphs 0021-0027)

In summary, Applicants' invention employ dedicated calibrating address and/or calibrating domain name for the sole purpose of associating the client that sends the data request with the client's DNS server. In contrast, Leighton is completely devoid of such teaching. There are no dedicated calibrating address and/or calibrating domain name in the Leighton reference. Namely, Leighton is only concerned with distributing ghost servers such that embedded objects can be serviced in a distributed fashion. However, there is absolutely no teaching in Leighton as to the use of dedicated calibrating address and/or calibrating domain name for the sole purpose of associating the client that sends the data request with the client's DNS server. Thus, independent claims 1, 7, and 12 are not anticipated by the teaching of Leighton and they fully satisfy the requirement of 35 U.S.C. § 102.

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Dependent claims 2-6, 8-11, and 13-15 depend from claims 1, 7, and 12 and recite additional limitation, respectively. As such, and for the exact same reason set forth above, the Applicants submit that claims 2-6, 8-11, and 13-15 are also not anticipated by the teachings of Leighton. Therefore, the Applicants submit that claims 2-6, 8-11, and 13-15, as they now stand, fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder.

### Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102 and 35 U.S.C. §112. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

6/28/04



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